

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.27864 of 1995

Dt.06-03-2006

Between:

1. Valluri Vijayananda Pardhasarathi and another

..Petitioners

and

1.The Mandapeta Cooperative Marketing Society Ltd.

rep.by the Business Manager and others.

..Respondents

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.27864 of 1995

Oral Order:

This writ petition is filed questioning the jurisdiction of the Subordinate Judge, Ramachandrapuram in disposing of appeal filed by the petitioners in CTA No.1/1988 against the surcharge order passed by the 3rd respondent—Co-operative Tribunal in RC.No.1118/87-E dated 28-01-1988 under Section 60 (1) of the A.P. Co-

operative Societies Act, 1964.

Heard the learned counsel for the petitioners and also Government Pleader for Co-operation.

It is not necessary to go into the various submissions made by the learned counsel for the petitioners except jurisdiction. Sub-Section (1) of Section 75 of the A.P. Cooperative Society Act, 1964 (for short “the Act”) has been substituted by Act 15/1991 constituting the Tribunal under sub-Section (2) of Section 75 which consists of a Chairman and not more than two members appointed by the Government. Proviso to sub-Section (1-A) of Section 76, which was also inserted by the said Act postulates transfer of appeal pending before the Co-operative Tribunal before commencement of the amended Act 15/1991 to the Co-operative Tribunal constituted under Section 75 as amended by the said Act.

The 4th respondent—Tribunal without transferring the said appeal pending on its file to the Tribunal constituted under the Act 15/1991 proceeded to dispose of the same and accordingly dismissed the appeal through the impugned judgment dated 26-10-1995. In view of the same, the impugned judgment passed by the Tribunal—4th respondent Tribunal is set aside and the matter is remitted to the Tribunal constituted under Section 75(2) of the Act for adjudication.

The writ petition is accordingly allowed. No costs.

The records of the Tribunal, if any, are received by this Court, the same should be transmitted to the Tribunal constituted under the Act 15/1991, if not already transmitted.

_____ A.GOPAL REDDY, J.

06-03-2006

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